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**FILED**

Date 6/9/15 By 

BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2015-61

**WILLIAM HENRY STEWART III**  
22281 Center Street, Unit 79  
Castro Valley, CA 94546

**A C C U S A T I O N**

**Field Representative License No. FR 37600,  
Branch 2**

Respondent.

Complainant alleges:

PARTIES

1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer Affairs.

2. On or about July 14, 2000, the Structural Pest Control Board (Board) issued Applicator License Number RA 15432 in Branch 2 to William Henry Stewart III. The applicator license was cancelled on or about July 19, 2004, when the Board issued Field Representative License Number FR 37600 in Branch 2 to William Henry Stewart III (Respondent). The field representative license was in full force and effect at all times relevant to the charges brought in this Accusation and is renewed through June 30, 2016.

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1 continuing education by producing certificates of activity completion, whenever  
2 requested to do so by the Board, may be subject to disciplinary action under section  
3 8641 of the code.

4 ...

5 (d) Field representatives licensed in one branch of pest control shall have completed 16  
6 continuing education hours, field representatives licensed in two branches of pest  
7 control shall have completed 20 continuing education hours, field representatives  
8 licensed in three branches of pest control shall have completed 24 continuing  
9 education hours during each three year renewal period. In each case, a minimum of  
10 four continuing education hours in a technical subject directly related to each branch of  
11 pest control held by the licensee must be completed for each branch of pest control  
12 licensed, a minimum of two hours in Integrated Pest Management must be completed  
13 by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of  
14 eight hours must be completed from Board approved courses on the Structural Pest  
15 Control Act, the Rules and Regulations, or structural pest control related agencies'  
16 rules and regulations.

#### 17 COST RECOVERY PROVISION

18 10. Section 125.3 of the Code states, in pertinent part, that a Board may request the  
19 administrative law judge to direct a licensee found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case.

#### 22 FACTUAL BACKGROUND

23 11. Respondent was required to take 16 hours of continuing education during the period  
24 of July 1, 2010, through June 30, 2013, for renewal of his field representative license.

25 12. On or about August 26, 2013, Respondent signed a Delinquent Renewal Application  
26 for his field representative license declaring under penalty of perjury that he had completed the  
27 required 16 hours of continuing education.

28 13. Beginning on or about April 25, 2014, Board staff conducted an audit, making  
repeated requests to Respondent to provide copies of his continuing education certificates for the  
period of July 1, 2010, through June 30, 2013, but to date, Respondent has failed to submit any  
certificates for the requested period.

A. On or about April 25, 2014, Board staff mailed Respondent an audit letter informing  
him that he was selected for a continuing education audit and that he needed to provide copies of  
his CE course completion certificates for the period of July 1, 2010, through June 30, 2013.

1 B. On or about May 23, 2014, Respondent left a telephone message to Board staff stating  
2 that he was short on continuing education hours. On or about May 27, 2014, Board staff returned  
3 Respondent's call, informed him that the Board had not received any certificates from him, and  
4 requested that he submit the certificates as soon as possible.

5 C. On or around June 17, 2014, and July 29, 2014, Board staff sent new audit letters to  
6 Respondent, but Respondent failed to sign for the letters.

7 D. On or about August 18, 2014, and September 3, 2014, Board staff left telephone  
8 messages for Respondent. The first message requested that Respondent provide his continuing  
9 education certificates and the second message informed Respondent that the matter was being  
10 forwarded to administration for review. Respondent failed to respond to either message.

11 FIRST CAUSE FOR DISCIPLINE

(Failure to Provide Proof of Continuing Education)

12 (Bus. & Prof. Code, §§ 8641 and 8593; Cal. Code Regs., tit. 16, § 1950, subds. (a) and (d))

13 14. Respondent has subjected his field representative license to discipline because he failed  
14 to provide proof of completion of required continuing education. (Bus. & Prof. Code, §§ 8641  
15 and 8593; Cal. Code Regs., tit. 16, § 1950, subds. (a) and (d).) The circumstances are set forth in  
16 paragraphs 11 through 13, above.

17 SECOND CAUSE FOR DISCIPLINE

(Misrepresentation of Material Fact in Application)

18 (Bus. & Prof. Code, § 8637)

19 15. Respondent has subjected his field representative license to discipline because he made  
20 a misrepresentation of a material fact in his renewal application for a field representative license  
21 when he certified that he had completed the required continuing education. (Bus. & Prof. Code, §  
22 8637.) The circumstances are set forth in paragraphs 11 through 13, above.

23 PRAYER

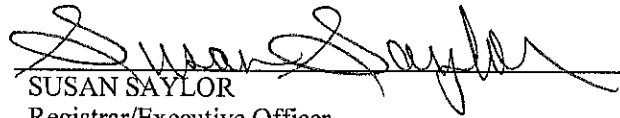
24 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
25 Accusation, and that following the hearing, the Structural Pest Control Board issue a decision:

26 1. Revoking or suspending Field Representative License Number FR 37600, issued in  
27 Branch 2 to William Henry Stewart III;  
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1           2.     Ordering William Henry Stewart III to pay the Structural Pest Control Board the  
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3;

4           3.     Taking such other and further action as deemed necessary and proper.

5  
6 DATED: 6/9/15



SUSAN SAYLOR  
Registrar/Executive Officer  
Structural Pest Control Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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